

K-C Docket No.: 19,043  
Serial No.: 10/750,188  
Response to Office Action Dated: October 4, 2006

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#### Remarks

Claims 1-18 are pending in the instant application. Claims 3-6, 17, and 18 are withdrawn from consideration. Accordingly, claims 1, 2, and 7-16 form the subject matter of this response. Reconsideration of the present application in view of the following remarks is respectfully requested.

#### Rejections Under 35 U.S.C. § 102

Van Gompel does not disclose each and every element of the claimed invention.

By way of the Office Action mailed October 4, 2006, the Examiner rejects claims 1, 2, and 7-16 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 6,132,410, issued to Van Gompel on October 17, 2000 (hereinafter "Van Gompel"). This rejection is respectfully traversed.

Van Gompel is directed to a disposable garment having dryness barriers with expandable attachment to an absorbent. Independent claim 1 of the present invention is directed to a disposable absorbent garment including, *inter alia*, a stretchable carrier layer placed in facing relationship with the liquid barrier layer, the stretchable carrier layer having a width in the waist regions of about the waist region width and a width in the crotch region of about the crotch region width; and an elastic layer attached to the stretchable carrier layer, the elastic layer having an elastic layer width extending away from a lateral centerline of the disposable absorbent garment in the lateral direction from a liquid barrier layer longitudinal side edge to a disposable absorbent garment longitudinal side edge.

The Applicants assert that Van Gompel fails to disclose an absorbent product with these elements as required by claim 1. The Examiner asserts that Van Gompel's fastener landing zone 50 is the stretchable carrier layer of claim 1. First, Van Gompel does not disclose that its fastener landing zone 50 is stretchable in any manner and certainly not as described by the Applicants. Second, Van Gompel's fastener landing zone 50 is disposed only in one waist region and not at all in a crotch region, for there is no reason to attach fasteners in the crotch region. As a result, Van Gompel's fastener landing zone 50 cannot have a width in the crotch region, and therefore cannot have "a width in the crotch region of about crotch region width" as required by claim 1.

Additionally, the Examiner asserts that Van Gompel's first and second body panels 52, 53 are the elastic layer of claim 1. First, Van Gompel does not disclose that its first and second body panels 52, 53 are stretchable in any manner and certainly not as described by the Applicants. Second, Van Gompel's first and second body panels 52, 53 are each disposed on and extend across a waist region from one lateral end region 86, 88 to the other lateral end region 86, 88. As a result, Van Gompel's first

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and second body panels 52, 53 cannot have "an elastic layer width extending . . . from a liquid barrier layer longitudinal side edge to a disposable absorbent garment longitudinal side edge" as required by claim 1.

Accordingly, for at least these reasons, the Applicants respectfully submit that claim 1 is patentable over Van Gompel. Moreover, claims 2 and 7-12, which all eventually depend from claim 1, are also accordingly patentable over Van Gompel.

Similarly, independent claim 13 of the present invention is directed to a method for making a disposable absorbent garment including, *inter alia*, providing a first continuous web, the first continuous web comprising a stretchable carrier layer and intermittent elastic material segments.

As with claim 1 above, the Applicants assert that Van Gompel fails to disclose a stretchable carrier layer and thus cannot disclose "providing a first continuous web, the first continuous web comprising a stretchable carrier layer and intermittent elastic material segments" as required by claim 13. Accordingly, for at least this reason, the Applicants respectfully submit that claim 13 is patentable over Van Gompel. Moreover, claim 14 depends from claim 13 and is also accordingly patentable over Van Gompel.

Similarly, independent claim 15 of the present invention is directed to a method for making a disposable absorbent garment including, *inter alia*, providing a second continuous web in facing relationship with the inner surface of the first continuous web to form a garment web, the second continuous web comprising a stretchable carrier layer and intermittent elastic material segments.

As with claim 1 above, the Applicants assert that Van Gompel fails to disclose a stretchable carrier layer and thus cannot disclose "providing a second continuous web in facing relationship with the inner surface of the first continuous web to form a garment web, the second continuous web comprising a stretchable carrier layer and intermittent elastic material segments" as required by claim 15. Accordingly, for at least this reason, the Applicants respectfully submit that claim 15 is patentable over Van Gompel. Moreover, claim 16 depends from claim 15 and is also accordingly patentable over Van Gompel.

For at least the reasons set forth above, Applicants respectfully request that all the rejections under 35 U.S.C. § 102 be withdrawn.

In conclusion, and in view of the above remarks, reexamination, reconsideration, and withdrawal of the rejections of claims 1, 2, and 7-16 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in condition for allowance and such action is

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earnestly solicited. If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-8863.

Please charge any fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE

I, Barbara D. Miller, hereby certify that on December 20, 2006, this document is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to facsimile number (571) 273-8300.

By: 

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